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MEMORANDUM

TO: Stephen Walz, Director
Department of Mines, Minerals and Energy (“Department”)

FROM: Sharon M.B. Pigeon
Sr. Assistant Attorney General

DATE: August 20, 2010

RE: DMME Proposed Emergency Regulations 4 VAC 25-165

I have reviewed the referenced draft, as attached, and as proposed by the Department, their Division of Gas and Oil and the Virginia Gas and Oil Board. These provisions are proposed emergency regulations as directed by the General Assembly in order to fulfill the mandate in the new statutory provision at Va. Code § 45.1-341.22:1 concerning arbitration of conflicting claims of ownership to escrowed gas royalties.

Based on that review, it is my view that the proposal is consistent with state law, does not conflict with federal law and is constitutional.

If you require anything more, please advise.

c.c. Michael Skiffington